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Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT DISTRICT OF UTAH
CENTRAL DIVISION

HAROLD MARK TORBETT (A.K.A.
MARK TORBETT) and REGINA
TORBETT,

Plaintiffs,

vs.

THE CITY OF OGDEN, OGDEN CITY
POLICE DEPARTMENT, CODY MARSH,
Z. MARTIN, T. WILLIAMS,

Defendants.

**DEFENDANTS' DISCLOSURE OF
EXPERT TESTIMONY AND
CERTIFICATE OF SERVICE OF
DEFENDANT'S EXPERT REPORT**

Case No. 1:16-cv-00044-BSJ

Judge: Bruce S. Jenkins

Defendants, by and through their counsel, Stephen F. Noel and the law firm of SMITH KNOWLES, P.C., make the following disclosures and designations pursuant to Federal Rules of Civil Procedure 26(a)(2):

**RETAINED EXPERT(S) WHO MAY BE USED
TO PRESENT EVIDENCE AT TRIAL**

1. Kenneth R. Wallentine

i. Mr. Wallentine's statement of opinions and the basis and reasons for them are included in his report attached hereto.

ii. The facts and data considered by Mr. Wallentine in forming his opinions are listed and/or described/included in his report attached hereto.

iii. The documents referenced in Mr. Wallentine's report have already been provided to Plaintiff's Counsel. If additional copies are needed, Plaintiff's Counsel should contact the undersigned and they will be provided.

iv. Mr. Wallentine's CV is attached hereto and further information is included in the report, and provides information about his education, certifications, experience, memberships, and publications.

v. A list of all other cases in which Mr. Wallentine has testified as an expert either at trial or deposition is provided in his CV.

vi. Mr. Wallentine's fee schedule is set forth in his CV. He charged \$1,375 for his initial report.

These disclosures and Mr. Flynn's report may be modified and amended as more information is made available through the discovery process.

NON-RETAINED EXPERTS

Lt. Kevin Cottrel of Ogden P.D., and Defendants, Officers Cody Marsh, Travis Williams and Zackary Martin, may be called upon to present testimony considered to be specialized or which is based upon extensive experience and training as peace officers concerning, but not limited to, search and seizure, arrest protocol, probable cause, officer safety, arrests and use and escalation of force. They are expected to testify that based upon their training and experience, they followed proper protocol/training regarding their interactions with Mr. Torbett.

SMITH KNOWLES, P.C.

/s/ Stephen F. Noel
Stephen F. Noel
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2016, I served the foregoing Disclosure w/o the referenced exhibits or attachments by filing the same with the Court, and with exhibits/attachments, including Mr. Wallentine's Report, on the following parties by U.S. Mail, first class postage prepaid, and by email:

Jennifer K. Zeleny
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/s/ TALIA WEBBER
Talía Webber
Legal Assistant